

DETAILED ACTION

Claim Objections

1. Claim 2-8, 11-14 and 26 are objected to because of the following informalities:
Regarding claims 2-8 and 11-14, Applicant claims a "network", various imaging systems, a "wireless network", and the internet. It is not clear if the Applicant is claiming the "network", the various imaging systems, a "wireless network", the internet, and the database on the "network" in addition to the parent claim's system or, simply being configured to function in association therewith. For the purposes of examination, the examiner is not including the "network", various imaging systems, a "wireless network", the internet, and the database on the network to be part of the parent claim's system. Further regarding claim 14, it is not clear what further structural limitations are set forth by acquiring data "before the one or more probes is poisoned inside the heart". Claim 26 recites, "wherein on one or more probes comprises". It is not clear if this is claiming an additional probe. Furthermore, Applicant's use of the term "on" is not clear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, Applicant claims that “the electrophysiology system is configured to be coupled to a network and to receive data used to produce the image of the heart over the network.” Wherein the “electropysiology is configured to...” appears to be intended use language. That is, it is not clear if the network is part of the system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-12, 14-16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osadchy et al. (USPN 6,368,285) in view of Panescu et al. (USPN 6,490,468).

6. Osadchy et al. (hereinafter Osadchy) teaches an electrophysiology system comprising: a data processing system configured to be communicatively coupled to one or more probes configured to be positioned inside a heart of a patient (abstract; col. 6, ll. 1-16), at least one of the one or more probes (col. 5, l. 67-col. 6, l. 4) being configured to sense electrical information pertaining to the heart, the data processing system being configured to store the electrical information and position information (col. 6, ll. 1-16 &

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41-59), the position information pertaining to the position of at least one of the one or more probes (abstract; col. 2, ll. 35-49; col. 3, l. 59- col. 4, l. 50; col. 5, ll. 39-63; col. 6, ll. 33-59; col. 11, ll. 31-57; col. 12, ll. 4-24); and a display 42 communicatively coupled to the data processing system and configured to simultaneously illustrate a display of a three dimensional image of the heart with a physician comment (col. 17, l. 57-col. 18, l. 8; col. 24, ll. 5-16) correlated to a respective position of the probe is registered relative to the three dimensional image of the heart (col. 6, ll. 27-59; col. 7, ll. 9-12; col. 17, l. 57-col. 18, l. 8; col. 23, l. 64- col. 24, l. 16). Osadchy also teaches acquiring image data using an internal medical imaging system such as MRI (col. 13, ll. 15-32). Osadchy also teaches acquiring image data before advancing the one or more probes (col. 12, ll. 60-65; col. 13, ll. 15- 32; claim 1). Osadchy also teaches generating a report which comprises the electrical information, the position information, and the image (col. 10, ll. 6-29; col. 11, ll. 36-57; col. 12, ll. 4-24; col. 16, l. 63-col. 17, l. 6). Osadchy also teaches generating a structural map of the heart (col. 18, l. 13- col. 18, l. 8). Osadchy also teaches a three dimensional reconstruction based on two dimensional images (abstract).

7. Although Osadchy is capable of being configured to be coupled with a network, Osadchy does not expressly teach a network and receiving data over the network to produce the image of the heart. Osadchy also does not expressly teach a database for storing images on the network.

8. In a related field of endeavor, Panescu et al. (hereinafter Panescu) teaches a system for recording, storing, retrieving and manipulating data on a patient-specific

database through the use of structures deployed in association with heart tissue (abstract). Panescu goes on, teaching treating cardiac conditions of multiple patients where the system includes a network of local work stations, each one adapted to be coupled to an electrode that is deployed in association with the heart. The image data is received across the network and saved in a central patient data base, the network may include the internet (col. 1, l. 60- col. 2, l. 9; col. 18, ll. 28-49; Fig. 9).

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the electrophysiology system of Osadchy in view of the network for use in conjunction with intracardiac studies as taught by Panescu. The motivation to modify Osadchy in view of Panescu would have been to preserve patient studies in a central patient database, as taught by Panescu.

10. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osadchy et al. (USPN 6,368,285) in view of Panescu et al. (USPN 6,490,468) as applied to claims 1 and 10 above, and further in view of Joao (USPN 6,283,461).

11. Although Osadchy in view of Panescu teaches all the limitations of the claimed invention and are capable of being configured to be coupled with a wireless network, Osadchy in view of Panescu do not expressly teach that the network comprises a wireless network.

12. In a similar field of endeavor, Joao teaches a method for providing healthcare information, the apparatus comprising a processor for processing at least one of symptom information and condition information corresponding to a patient, in

conjunction with at least one of healthcare information, healthcare theories, healthcare principles, and healthcare research, wherein the processor generates a diagnostic report, and further wherein the diagnostic report contains information regarding at least one of a diagnosis and a possible diagnosis for the at least one of symptom information and condition information. The improvement includes the processor generating a diagnostic report containing a list of possible diagnoses, a transmitter for transmitting the diagnostic report to at least one of a computer and a communication device associated with a healthcare provider, and a receiver for receiving a final diagnosis from the list of possible diagnoses, wherein the final diagnosis is received from the at least one of a computer and a communication device associated with the healthcare provider (abstract). Joao also teaches that The central processing computer(s), the provider computer(s), the payer computers(s), the patient computer(s), and the intermediary computer(s), can communicate with one another, and/or be linked to one another, over a communication network, a telecommunication network, a telephone network, a line-connected network, and/or a wireless communication network (col. 3, l. 46- col. 4, l. 5).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the networked electrocardiography system of Osadchy in view of Panescu with the wireless networking for diagnostic imaging, as taught by Joao. The motivation to modify Osadchy in view of Panescu with Joao would have been to facilitate remote diagnostics using any well known data transmission means.

Response to Arguments

14. Applicant's arguments, filed 07/15/2008, with respect to the rejection(s) of the claim(s) under Frigstad et al. (Pub. No.: 2005/0010098) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLSWORTH WEATHERBY whose telephone number is (571) 272-2248. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EW

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768